

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---|---|-----------------------------|
| IN RE: Patricia Cottman | : | |
| Debtor | : | CHAPTER 13 |
| American Heritage Federal Credit Union, its | : | |
| successors and assigns | : | BANKRUPTCY NO. 16-12042 JKF |
| Movant, | : | |
| v. | : | 11 U.S.C. §362 (d)(1) |
| Patricia Cottman | : | |
| William C. Miller, Trustee | : | HEARING DATE: 6/27/2018 |
| Respondents | : | HEARING TIME: 9:30 A.M. |
| | : | |
| | : | COURTROOM #3 |

**MOTION OF AMERICAN HERITAGE FEDERAL CREDIT UNION FOR RELIEF
FROM THE AUTOMATIC STAY UNDER SECTION 362(d)(1) TO PERMIT MOVANT
TO FORECLOSE ON
162 WEST CHEW AVENUE, PHILADELPHIA PA 19120**

The Motion of American Heritage Federal Credit Union, movant herein, respectfully represents:

1. Patricia Cottman, Respondent herein, filed a bankruptcy petition under Chapter 13 of the Bankruptcy Code on March 25, 2016 under Bankruptcy No.16-12042. The Debtor has continued in possession of the property, and is now managing it.

2. Movant is a secured creditor by reason of Debtor having executed and delivered a mortgage on premises **162 West Chew Avenue, Philadelphia PA 19120** to American Heritage Federal Credit Union on June 13, 2005, which mortgage is recorded in the Office of the Recorder of Deeds of Philadelphia County on June 23, 2005 as Instrument No. 51206139. A copy of Mortgage is attached hereto.

3. Movant seeks relief for the purpose of foreclosing its mortgage against the Debtor's interest in real property known as **162 West Chew Avenue, Philadelphia PA 19120**.

4. Movant lacks adequate protection in that the Debtor has failed to make regular timely monthly mortgage payments in accordance with the terms of the Mortgage and Note.

5. As of the date of the filing of bankruptcy on March 25, 2016, American Heritage Federal Credit Union, was the holder of a secured claim against the Debtor for the sum of

\$71,030.42 which represented unpaid pre-petition principal, interest, late charges and penalties, tax/insurance disbursements and unpaid foreclosure fees and costs. On that date, arrears to be paid through the plan were \$21.77. A proof of claim was filed by movant.

7. Debtor has not made regular timely post-petition mortgage payments outside the plan and the account is now due as follows:

| DUE FROM | DUE TO | DESCRIPTION | AMOUNT DUE |
|----------|----------|------------------|--------------------|
| 4/1/2018 | 5/1/2018 | @747.62 each | 1,495.24 |
| | | Late Charges | 52.26 |
| | | TOTAL DUE | \$ 1,547.50 |

8. Upon entry of an Order Granting Relief Movant will no longer be required to file and serve the Notice of Payment Change and or Notices of Post-Petition Fees, Expenses and Charges as required by FRBP 3002.1(b) and FRBP 3002.1(c)

9. Movant requests that Rule 4001(a)(3) be waived.

10. Movant requests that the relief granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code

11. Debtor has no reasonable prospect for reorganization.

12. If American Heritage Federal Credit Union, is not permitted to foreclose its mortgage on said premises, it will suffer irreparable injury, loss and damage.

WHEREFORE, Movant prays that upon final hearing of this Motion, the stay pursuant to 11 U.S.C. Section 362(d)(1) be modified to permit it to foreclose on premises **162 West Chew Avenue, Philadelphia PA 19120**, that Movant may take such actions with respect to the real property as are set forth under applicable non-bankruptcy law, that upon entry of an Order Granting Relief Movant will no longer be required to file and serve the Notice of Payment Change and or Notices of Post-Petition Fees, Expenses and Charges as required by FRBP 3002.1(b) and FRBP 3002.1(c), that Rule 4001(a)(3) be waived, Movant requests that the relief

granted by this motion survive the conversion of this case to a case under any other Chapter of the Bankruptcy Code and that it have such other and further relief as is just.

/s/Heather S. Riloff
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